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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

LOCHNER TECHNOLOGIES, LLC,

Plaintiff,

v.

APPLE INC., et al.,

Defendants.

Case No. 2:12-CV-1659-MRP-MLGx

ENTRY OF FINAL JUDGMENT

1 Plaintiff Lochner Technologies, LLC brought the present action against
2 Defendants VIZIO, Inc. and Toshiba America Information System Inc.
3 (collectively, "Defendants") alleging infringement of U.S. Patent No. 7,035,598
4 ("the '598 Patent"). Defendants filed counterclaims seeking a declaration that the
5 '598 Patent is not infringed and is invalid.

6 Defendant's Motion for Summary Judgment of Invalidity of U.S. Patent No.
7 7,035,598 Under 35 U.S.C. § 112 came on hearing before this Court on June 4,
8 2013. After considering the moving and opposing papers and all supporting
9 evidence, arguments of counsel, and all other matters presented to the Court, IT IS
10 HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

11 1. Judgment is entered in favor of Defendants on Plaintiff's claim of
12 infringement of the '598 Patent and Defendants' counterclaims for a declaration of
13 invalidity based upon the following grounds:

14 a. Asserted claims 1–10 and 12 of the '598 Patent are invalid for
15 lack of adequate written description under 35 U.S.C. § 112, ¶ 1; and

16 b. Asserted claims 1–10 and 12 of the '598 Patent are invalid for
17 failure to claim what the applicant regards as his invention under 35 U.S.C.
18 § 112, ¶ 2.

19 2. Defendants' remaining counterclaims are dismissed without prejudice;
20 and

21 3. Pursuant to Federal Rule of Civil Procedure 54(d) and L.R. 54-2.2,
22 Defendants are entitled to recover costs incurred in this action.

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25 DATED: July 5, 2013



26 Hon. Mariana R. Pfaelzer
27 United States District Judge
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